

CHAPTER 1114

FAMILY INVESTMENT AND JOBS PROGRAMS AND RELATED MATTERS

S.F. 2288

AN ACT amending statutory provisions involving the council on human investment and the federal-state family investment and job opportunities and basic skills programs in accordance with federal requirements and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 8A.1, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

An Iowa council on human investment is established to define a human service agenda for the state and to propose benchmarks for the strategic goals of the state identified by the council. The governor or the governor's designee shall be a member and chairperson of the council and the council shall consist of eight other members appointed by the governor, subject to confirmation by the senate. The appointments shall be made in a manner so that all of the state's congressional districts are represented along with the ethnic, cultural, social, and economic diversity of the state. Terms of office of members other than the governor are three years. Council members shall be reimbursed for actual and necessary expenses incurred in performance of their duties. Members may also be eligible to receive compensation as provided in section 7E.6. In addition to the nine voting members, the council shall include four members of the general assembly with not more than one member from each chamber being from the same political party. The two senators shall be designated by the president of the senate after consultation with the majority and minority leaders of the senate. The two representatives shall be designated by the speaker of the house of representatives after consultation with the majority and minority leaders of the house of representatives. Legislative members shall serve in an ex-officio, nonvoting capacity. A legislative member is eligible for per diem and expenses as provided in section 2.10. The governor shall assign staffing services to the council which may include the staff identified by the director of the department of management. The council shall do all of the following:

Sec. 2. Section 217.11, subsection 6, Code Supplement 1993, is amended by striking the subsection.

Sec. 3. Section 217.11, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

The department of human services shall contract with the department of ~~health and human rights~~ to staff and administer grants provided under section 217.12.

Sec. 4. Section 217.12, subsection 3, unnumbered paragraph 1, Code Supplement 1993, is amended to read as follows:

Subject to the availability of funds for this purpose, award ~~demonstration~~ grants to public or private organizations ~~submitting grant proposals to provide for provision of~~ family development services to families at risk of long-term welfare dependency. Grant proposals for the family development and self-sufficiency grant program shall include the following elements:

Sec. 5. Section 217.12, subsection 3, paragraph a, Code Supplement 1993, is amended to read as follows:

a. Designation of families to be served that meet some criteria of being at risk of long-term welfare dependency, and agreement to serve clients that are referred by the department of human services from the family investment program which meet the criteria. The criteria may include, but are not limited to, factors such as educational level, work history, family structure, age of the youngest child in the family, previous length of stay on the family investment program, and participation in the family investment program or the foster care program while the head of a household was a child. Grant proposals shall also establish the number of families to be served under the ~~demonstration program grant~~.

Sec. 6. Section 217.12, subsection 4, Code Supplement 1993, is amended to read as follows:

4. In cooperation with the legislative fiscal bureau, develop measures to independently evaluate the effectiveness of any ~~demonstration program~~ grant funded under the program, that include measurement of the ~~program's grantee's~~ effectiveness in meeting its goals in a quantitative sense through reduction in length of stay on welfare programs or a reduced need for other state child and family welfare services. Families referred to the ~~demonstration programs program~~ shall be randomly selected from those meeting the criteria established in the ~~demonstration programs program~~ as being at risk.

Sec. 7. Section 217.12, subsection 6, Code Supplement 1993, is amended to read as follows:

6. Seek additional support for the funding of ~~demonstration~~ grants under the program, including but not limited to, ~~demonstration~~ funds available through the federal government in serving families at risk of long-term welfare dependency, and private foundation grants.

Sec. 8. Section 239.1A, Code Supplement 1993, is amended to read as follows:

239.1A FAMILY INVESTMENT PROGRAM.

1. Effective July 1, 1993, assistance provided under this chapter shall no longer be referred to as aid to dependent children but shall be referred to as assistance under the family investment program.

2. Effective October 1, 1993, the family investment program under this chapter and the JOBS program under chapter 249C shall be administered in this state under provisions of the federal waiver granted by the United States department of health and human services pursuant to the request submitted in accordance with 1993 Iowa Acts, chapter 97. The initial federal waiver requires that approximately ten percent of recipient families residing in nine counties shall have eligibility determined, receive assistance, and are subject to sanctions and other requirements based upon the federal requirements that would be in effect for all recipients in this state if the federal waiver had not been implemented. The remainder of the population of recipients of assistance under this chapter are subject to different federal waiver provisions. The scope of the different waiver provisions includes but is not limited to initial and continuing eligibility determinations, sanctions for noncompliance, recipient accumulation of assets and savings, and requirements for recipients to enter into a family investment agreement with the department. Administrative rules adopted by the department under the federal waiver provisions shall reflect the two populations created by the waiver and shall specify the particular requirements which apply to each of the populations. In accordance with federal waiver provisions, the department may apply the provisions of this chapter to one population differently than the other.

Sec. 9. Section 239.18, Code 1993, is amended to read as follows:

239.18 RULES.

In order to provide a uniform statewide program for aid to dependent children, the The department shall adopt rules pursuant to chapter 17A necessary to implement this chapter in accordance with any applicable federal waiver requirements and to ensure federal financial participation in the program.

Sec. 10. Section 239.21, Code 1993, is amended to read as follows:

239.21 TRANSITIONAL CHILD CARE ASSISTANCE.

A recipient who loses eligibility for assistance under this chapter because of an increase in earned income, increased hours of employment, or loss of the earned income disregards is eligible to receive transitional child care assistance. The transitional child care assistance shall be provided in accordance with the provisions of the federal Family Support Act of 1988, Title III, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602 et seq., for a period of twelve months following the loss of assistance or for a period of twenty-four months, depending upon the applicability of federal waiver provisions. The department shall deliver the transitional child care assistance through a vendor voucher payment or purchase of service system which requires the recipient to contribute to the cost of the assistance in accordance with a sliding-scale fee established by rule.

Sec. 11. Section 249C.1, subsection 3, Code 1993, is amended to read as follows:

3. "Eligible person" includes each person who is receiving public assistance or who lives in the same household as a recipient of public assistance and whose needs are taken into account in determining the assistance payment. However, unless otherwise established pursuant to requirements under the federal waiver provisions described in section 239.1A or other federal law or regulation, the following are not persons shall not be defined as "eligible persons" unless they the persons voluntarily request to be included:

- a. A person who is under the age of sixteen years.
- b. A person who has attained the age of sixty-five years.
- c. A person whose health or disability does not permit any kind of work or training.
- d. A person who is already engaged in an adequate full-time program of work, training, or school.
- e. A person who is required to be present and is actually present in the home on a substantially continuous basis because of the illness or incapacity of another member of the household.
- f. A person who is required to be present and is actually present in the home on a substantially continuous basis for the purpose of child care.
- g. A person who is not an eligible person pursuant to rules adopted by the director and as required by the federal Family Support Act of 1988, Title II, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602 et seq.

Sec. 12. Section 249C.1, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 3A. "JOBS program" or "program" means the job opportunities and basic skills program implemented by the state under the provisions of the federal Family Support Act of 1988, Title II, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602 et seq. and under other applicable federal waivers and requirements.

Sec. 13. Section 249C.1, subsection 4, Code 1993, is amended to read as follows:

4. "Public assistance" means aid or assistance provided under the family investment program created in chapter 239.

Sec. 14. Section 249C.3, Code 1993, is amended to read as follows:

249C.3 WORK AND TRAINING JOBS PROGRAM.

The director shall establish a ~~work and training~~ state-level JOBS program for persons and members of families applying for and receiving public assistance. The requirements of the program shall vary for recipients of public assistance in accordance with the federal waiver provisions described in section 239.1A. ~~The division of job service of the department of employment services, the division of job training of the department of economic development, and all state, county, and public educational agencies and institutions providing vocational rehabilitation, adult education, or vocational or technical training shall assist and co-operate cooperate~~ in the program. They The departments, agencies, and institutions shall make agreements and arrangements for maximum co-operation cooperation and use of all available resources in the program. By mutual agreement the director may delegate any of the director's powers and duties under this chapter to ~~the division of job service of the department of employment services or to the division of job training of the department of economic development.~~

Sec. 15. Section 249C.4, Code 1993, is amended to read as follows:

249C.4 CO-OPERATION COOPERATION.

The program shall provide for maximum ~~co-operation~~ cooperation with and participation in federal programs having similar purposes, but the state ~~work and training program~~ shall continue providing a state-level work and training program to recipients of public assistance whether or not federal programs and federal funds are available.

Sec. 16. Section 249C.6, Code 1993, is amended to read as follows:

249C.6 PARTICIPATION REQUIRED.

Except as modified by the federal waiver provisions described in section 239.1A or other requirement in federal law or regulation, the provisions of this section shall apply. Each eligible person shall be required to participate in the ~~work and training~~ JOBS program, to ~~co-operate~~

cooperate fully in the program, and to accept any reasonably suitable employment, training, or education offered to the person in connection with the program, as a condition of receiving public assistance. If the person fails or refuses to do so, the person shall not receive public assistance. The person's disqualification shall not disqualify other members of the person's family who are entitled to public assistance, except as required under the federal Family Support Act of 1988, Title II, Pub. L. No. 100-485, as codified in 42 U.S.C. § 602 et seq., but their and the federal waiver provisions. However, a disqualified person's public assistance shall not be paid to the disqualified person and shall be paid in a manner which will not permit the disqualified person to have access to the assistance funds. A person shall not be disqualified remain eligible for public assistance if it is impossible to arrange suitable work or training for the person.

Sec. 17. Section 249C.7, Code 1993, is amended to read as follows:
249C.7 PUBLIC OR PRIVATE TRAINING.

Work or training under the JOBS program may be furnished by public or private agencies, organizations, or companies, under rules adopted by the director.

Sec. 18. Section 249C.8, Code 1993, is amended to read as follows:
249C.8 HEALTH AND SAFETY.

The director shall establish and maintain reasonable standards for health, safety, and other conditions under the ~~work and training~~ JOBS program.

Sec. 19. Section 249C.9, Code 1993, is amended to read as follows:
249C.9 WORKERS' COMPENSATION LAW APPLICABLE.

Each eligible person, with respect to ~~work~~ employment performed under this chapter, shall be covered by the workers' compensation law or shall otherwise be provided with comparable protection.

Sec. 20. Section 249C.14, Code 1993, is amended to read as follows:
249C.14 TRANSFER OF FUNDS.

For the purposes of the ~~work and training~~ JOBS program, the director may use or transfer to any other agency any of the funds appropriated for public assistance and any other funds lawfully available. State and federal funds allocated to the program by the director and the ~~division of job service~~ of the department of employment services shall be at least equal to five percent of the total state and federal funds available to the department of human services for assistance under chapter 239, unless the director determines that a lesser amount is sufficient to provide an adequate ~~work and training~~ JOBS program for all eligible persons.

Sec. 21. Section 249C.16, Code 1993, is amended to read as follows:
249C.16 ELIGIBLE PERSONS NOT STATE EMPLOYEES.

~~No~~ An eligible person shall not be deemed to be an employee of the state or any of its subdivisions by reason of the person's participation in the ~~work and training~~ JOBS program. However, this section shall not prevent the person from having the status of an employee for the purposes of workers' compensation.

Sec. 22. Section 249C.17, Code 1993, is amended to read as follows:
249C.17 CHAPTER NOT TO INTERFERE WITH FEDERAL ASSISTANCE.

If it is finally determined the general assembly is not in session and the department determines that any a provision of this chapter would cause the ~~work and training~~ JOBS program to be ineligible for federal financial assistance which the state would otherwise receive, such the department may suspend the operation of the provision may be suspended or modified to the extent which is essential to obtain such the assistance under federal law or regulation. The department shall propose an amendment to such provision in the next session of the general assembly.

Sec. 23. Section 541A.1, subsection 2, Code Supplement 1993, is amended to read as follows:

2. "Administrator" means the executive branch agency selected by the governor to administer individual development accounts department of human services.

Sec. 24. Section 541A.4, subsection 1, Code Supplement 1993, is amended to read as follows:

1. For the five-year pilot phase period beginning March 1, 1994, and ending February 28, 1999 January 1, 1995, the total number of individual development accounts shall be limited to ten thousand accounts, with not more than five thousand accounts in the first calendar year of the period, and to individuals with a household income which does not exceed two hundred percent of the federal poverty level. The administrator shall ensure that the family income status of account holders at the time an account is opened proportionately reflects the distribution of the household income status of the state's population up to two hundred percent of the federal poverty level.

Sec. 25. NEW SECTION. 541A.5 RULES.

The administrator, in consultation with the department of revenue and finance, may adopt administrative rules to implement the provisions of this chapter.

Sec. 26. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 25, 1994

CHAPTER 1115

LIMITATIONS ON JUDGMENTS

H.F. 307

AN ACT providing for limitations on judgments.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 615.1, Code 1993, is amended to read as follows:

615.1 EXECUTION ON CERTAIN JUDGMENTS PROHIBITED.

From and after January 1, 1934, no judgment in an action for the foreclosure of a real estate mortgage, or deed of trust, or real estate contract upon property which at the time of judgment is either used for an agricultural purpose as defined in section 535.13 or a one-family or two-family dwelling which is the residence of the mortgagor, or in any action on a claim for rent or judgment assigned by a receiver of a closed bank or rendered upon credits assigned by the receiver of a closed bank when the assignee is not a trustee for depositors or creditors of the bank, the reconstruction finance corporation or any other federal governmental agency to which the bank or the receiver is or may be indebted shall be enforced and no execution issued thereon and no force or vitality given thereto for any purpose other than as a setoff or counterclaim after the expiration of a period of two years from the entry thereof. As used in this section, "mortgagor" means a mortgagor or a borrower executing a deed of trust as provided in chapter 654 or a vendee of a real estate contract.

Sec. 2. Section 615.3, Code 1993, is amended to read as follows:

615.3 FUTURE JUDGMENTS WITHOUT FORECLOSURE.

Judgments A judgment hereafter rendered on a promissory obligations obligation secured by a mortgage, or deed of trust of real estate upon which at the time of the judgment is either used for an agricultural purpose as defined in section 535.13 or a one-family or two-family dwelling which is the residence of the mortgagor, but without foreclosure against said the security, shall not be subject to renewal by action thereon, and, after the lapse of two years from the